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October 2, 2018

BY ECF & EMAIL

The Honorable Richard J. Sullivan
United States District Court Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007
SullivanNYSDChambers@nysd.uscourts.gov

Re: **Slinin v. Shnaider, 1:15-cv-09674-RJS (SDNY)(RJS)**

Your Honor:

We are new counsel for Alex Shnaider, the defendant in the above-captioned action, and we entered our appearances today via ECF. We submit this letter in response to the Court's October 1, 2018 Order to show cause why a default judgment should not be entered in favor of plaintiff as a result of Mr. Shnaider's failure to notify the Court by September 28 that he has "retained new counsel or intends to proceed *pro se*." (Dkt. 108.)

A finding of default is not warranted. There was no willful violation of the August 31 Order. Mr. Shnaider was in the process of retaining counsel on September 28, and we, as new counsel, filed notice of appearance today, the day we were retained and within two business days of September 28, last Friday. This filing was prompt and has not prejudiced plaintiff; nor has it disrupted the scheduled trial date and pre-trial schedule. We are fully apprised of the current trial schedule and are ready to abide by it.

We nevertheless apologize for the lack of communication on September 28, and beg the Court's and counsel's pardon. We are sorry that the Court had to be involved at all – it certainly is not how we would have preferred to introduce ourselves.

Respectfully submitted,

s/ Michael Paul Bowen
Michael Paul Bowen

cc: Counsel of record